

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA )  
v. ) 02: 03cr0174  
DON RAOUL HOUGH )

## ORDER OF COURT

Presently before the Court is the MOTION TO DISQUALIFY ARNOLD KLEIN; AND MOTION TO APPOINT COUNSEL (*Document No. 125*) filed *pro se* by Defendant Don Raoul Hough. For the following reasons, the Motion will be denied.

On March 3, 2005, after a four-day trial, a federal jury convicted Defendant of all five counts contained in the Superseding Indictment.

On July 14, 2005, the Court sentenced Mr. Hough to a term of imprisonment of 600 months, i.e., 50 years.<sup>1</sup> On July 18, 2005, Mr. Hough filed his Notice of Appeal and his Motion for In Forma Pauperis was granted by the Court. Mr. Hough's appeal is currently pending before the Court of Appeals for the Third Circuit at Docket Nos. 05-3241 and 05-3251.

On September 6, 2005, Defendant filed the instant motion in which he requests this Court to disqualify his appellate counsel and to appoint new counsel. A request for counsel on appeal must be determined by the Court of Appeals. Accordingly, Mr. Hough's request for the disqualification of his appellate counsel and the appointment of new counsel must be denied as

<sup>1</sup> The sentence imposed was imprisonment for a term of 240 months at counts 1s, 2s and 4s, and a term of 120 months at count 5s, to be served concurrently. At count 3s, a term of imprisonment for 360 months was imposed, to run consecutive to the sentences imposed at the aforementioned counts for a total of 600 months, which is 50 years.

not properly before the Court. Defendant should refile his request for disqualification and new counsel with the Court of Appeals for the Third Circuit.

Based on the foregoing, all the records, files and proceedings in this matter, it is hereby **ORDERED** on this 8th day of September, 2005, that Defendant's Motion to Disqualify Arnold Klein; and Motion to Appoint Counsel is **DENIED**.

BY THE COURT:

s/Terrence F. McVerry  
United States District Court Judge

cc: Don Rauol Hough,  
#64244  
Allegheny County Jail  
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